

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

MAR 04 2008

JOHN F. CONCORAN, CLERK
BY:  DEPUTY CLERK

QUENTIN MCLEAN,
Plaintiff,

v.

FRED SCHILLING,
Defendant.

Civil Action No. 7:08cv00208

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

Plaintiff Quentin McLean, a Virginia prisoner proceeding pro se, brings this action pursuant to 42 U.S.C. § 1983. However, this court has dismissed three of McLean's previous complaints for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).¹ Therefore, McLean may not proceed with this action unless he either pays the \$350.00 filing fee or shows that he is "under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

As McLean has neither prepaid the filing fee nor demonstrated that he is "under imminent danger of serious physical injury,"² the court dismisses his complaint without prejudice and denies his motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915(g).³

The Clerk is directed to send a certified copy of this Memorandum Opinion and the accompanying Order to the plaintiff.

ENTER: This 4th day of March, 2008.


United States District Judge

¹ See McLean v. Mr. Fleming, et al., Civil Action No. 7:98cv00731 (W.D. Va. January 13, 1999) (dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)); McLean v. J. Bolling, et al., Civil Action No. 7:99cv00221 (W.D. Va. May 10, 1999) (dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)); McLean v. Schillin, et al., Civil Action No. 7:99cv00319 (W.D. Va. July 20, 1999) (dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii)).

² McLean alleges that he has arthritis, rheumatoid diseases, dermatitis on his face, and severe pain and swelling of his body parts. He essentially complains that for one month, although he was seen by nurses who evaluated his conditions, the nurses refused to refer him to a doctor for "proper treatment." He claims that the defendant, the Director of Health Services, was aware of his medical complaints and that the nurses denied his requests to see a doctor. Further, according to the grievance forms McLean submitted with his petition, it appears McLean refused several sick call visits and refused medication that he was offered. The court finds that McLean has failed to demonstrate that he is under imminent danger of serious physical injury.

³ The court has previously notified McLean that he may not file civil actions in this court unless he either pays the filing fee or demonstrates that he is under imminent danger of serious physical injury. Therefore, the court will not give McLean additional time to pay the filing fee or amend his complaint.